

Message Text

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ORIGIN VO-03

INFO OCT-01 SCA-01 ISO-00 ARA-10 INSE-00 LAB-06 /021 R

DRAFTED BY SCA/VO:GRFORBES:IJM

APPROVED BY SCA/VO:JDBLEVINS

INS/CO:RLINDSEY(PHONE)

ARA/CCA:MR. WAUCHOPE(PHONE)

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R 032145Z SEP 74

FM SECSTATE WASHDC

TO AMEMBASSY NASSAU

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VISAS

E.O. 11652: N/A

TAGS: CVIS, PLAB, BF

SUBJECT: BAHAMIAN ENTERTAINERS SEEK US RECIPROCITY

REF: NASSAU 1503

1. SUMMARY: USG DOES NOT REPEAT NOT HAVE POLICY AGAINST BRINGING BAHAMIAN ENTERTAINERS INTO U.S. HOWEVER, LOCAL U.S. MUSICIAN UNIONS ARE SOMETIMES CONSULTED IN LABOR CERTIFICATION PROCESS CONNECTED WITH OBTENTION H VISAS BECAUSE UNIONS ARE OFTEN IN BEST POSITION TO GAUGE POSSIBLE ADVERSE EFFECTS ON LOCAL U.S. LABOR MARKET. PROVISIONS OF INA DO NOT REPEAT NOT PROVIDE MEANS ACCORD RECIPROCAL TREATMENT SUCH AS THAT BEING SOUGHT BY BAHAMAS MUSICIANS AND ENTERTAINERS UNION. END SUMMARY.

2. ENTERTAINERS BY PROFESSION DESIROUS OF PERFORMING TEMPORARILY IN UNITED STATES ARE CLASSIFIABLE AS NONIMMIGRANTS UNDER SECTION 101(A)(15)(H) OF INA. THIS BASIC RULE APPLIES TO ALL ALIENS, IRRESPECTIVE OF NATIONALITY.

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3. EMPLOYERS OF ENTERTAINERS OF "DISTINGUISHED MERIT AND ABILITY" MAY SEEK H-1 REPEAT H-1 STATUS VIA PETITION DIRECTLY WITH INS. IF PETITION AND SUPPORTING

DOCUMENTATION TEND SUPPORT CLAIM TO DISTINGUISHED MERIT AND ABILITY, INS ABLE UNDER ITS REGULATIONS APPROVE H-1 CLASSIFICATION WITHOUT HAVING TO CONSULT US DEPARTMENT OF LABOR. HOWEVER, INS DOES CHECK WITH APPROPRIATE US LABOR UNION ON PRO FORMA BASIS BEFORE PETITION APPROVAL UNLESS ENTERTAINERS ARE OF INTERNATIONAL REPUTE.

4. ENTERTAINERS NOT CONSIDERED ENTITLED H-1 CLASSIFICATION MUST BE CLASSIFIED H-2, IN WHICH CASE PETITIONER MUST FIRST CONSULT WITH DEPARTMENT OF LABOR TO OBTAIN LABOR CERTIFICATION. BEFORE ISSUING CERTIFICATION, LABOR CHECKS WITH APPROPRIATE UNION TO DETERMINE LOCAL AVAILABILITY AND POSSIBLE ADVERSE EFFECT. IF LABOR ISSUES CERTIFICATION, PETITION THEN MOVED TO INS FOR CONSIDERATION AND APPROVAL.

5. DEPARTMENT SUGGESTS EMBASSY DRAW ON FOREGOING IN RESPONDING TO FURTHER QUERIES. DEPARTMENT WOULD BE INTERESTED KNOWING OUTCOME FORTHCOMING MEETINGS BETWEEN MESSRS HANNA AND DAVIS. INGERSOLL

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Message Attributes

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Decaption Date: 01 JAN 1960
Decaption Note:
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Disposition Approved on Date:
Disposition Authority: shawdg
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